

REMARKS

Claims 1-37 and 82-86 were rejected in an Office Action dated March 11, 2009. Claims 1, 33, and 82 have been amended. Support for the amendments may be found in the "Detailed Description of the Invention." Applicants respectfully request reconsideration of the present application in view of the following remarks.

Rejections under 35 USC 103(a) – Over Rock with Graber in view of Caird

Claims 1-8, 16-32, and 82-86 were rejected under 35 USC 103(a), as being unpatentable over US 2001/0006173 to Rock et al. ("Rock") taken with Graber, US 6,243,870 ("Graber") and in view of Caird et al., US 3,768,156 ("Caird").

Applicants respectfully traverse the rejection in view of the newly amended claims 1 and 82, and the claims dependent thereon in view of the following remarks.

Applicants respectfully assert that Rock has failed to teach all of the limitations of claim 1. Rock does not teach a fabric body that is durable to washing or wet flex and abrasion. As evidenced by the Declaration submitted in Applicants' previous response of January 5, 2009, samples prepared according to the teaching of Rock lack durability to wet flex and abrasion. Rock does not address this feature, and, therefore, it would not be expected.

Even further unexpected is that the high level of durability to wet flex and abrasion resistance is even greater in fabric bodies having conductors secured by seam tape where the conductor has a lower resistance. See for example, the Declaration Appendix B at Table 2 where fabric bodies having cables with an initial resistance of less than 100 ohms had greater than 10 hours wet flex and abrasion (wash) before resistance exceeded 100 ohms, when secured with seam sealing tape, and laminate samples exceeded 100ohms after only 3.25 hours. In comparison, Table 3 demonstrates fabric bodies comprising cables having a higher resistance secured by seam sealing tape, while still unexpectedly improved over the laminate sample (3 hours versus 1.7 hours wash until resistance exceeded 1000 ohms), degraded more rapidly than fabric bodies having conductive yarns with lower initial resistance. Applicants have amended claim 1 to be directed to a fabric body as claimed therein, that is

durable, with the cable having a DC resistance of less than 100 ohms per meter after 10 hours of wet flex and abrasion. Applicants assert that this feature is not recognized by the art and, therefore, would not be expected.

With regard to claims 1 and 82, Applicants respectfully assert that the structural differences between Applicants' newly amended claims are patentably distinguishable from the combination of references. Differences between the claimed seam sealing tape comprising an adhesive layer and at least one additional layer selected from polytetrafluoroethylene and a knit, and the laminate barrier layer described by Rock at [0031]-[0032] would be apparent to a skilled artisan upon a fair reading of the instant detailed description, the examples, and the figures, and Rock. The claimed seam sealing tape is described at, for example, starting at page 7, line 29, through page 8, line 26. Seam sealing tape, as well as examples of processes and machines used for the application thereof in garment taping processes for, e.g. forming liquidproof seams, is further described, for example, starting at page 12 of the instant application, through page 14. Further, Examples 1-14 of the instant application describe the tape and application thereof. In contrast, Rock at [0031]-[0032] teaches a barrier applied by adhesive typically applied in spots, lines or other discrete regions, or by lamination processes. Applicants assert that a fair reading of Rock does not disclose and would not suggest the claimed seam sealing tape to a skilled artisan.

Moreover, though Rock teaches protecting a heating element with a barrier via lamination, Rock specifically says that the heating warming element is laid upon the smooth surface of the base fabric or flat fabric. A fair reading of Rock to one skilled in the art of lamination would understand that Rock does not suggest or disclose extending a cable over a seam and laminating over a seam where Rock specifically calls for a smooth surface or flat fabric.

Applicants respectfully assert that Caird does not remedy this deficiency where Caird is not directed to lamination. Even if it could be argued that Caird teaches extending a cable across a seam, where Caird is not directed to lamination, insufficient evidence has been provided that laminating over a seam would have any reasonable expectation of success, where Rock clearly teaches flat or smooth surfaces.

The jacket of claim 82 is not disclosed by Rock in view of Caird. Rock does not teach extending a cable across a seam, and Caird does not teach

extending a cable across a sewn garment seam that joins at least two garment areas selected from hood, body and arms. Applicants respectfully assert for the reasons stated above that Rock does not teach extending a cable over a seam, nor use of a seam sealing tape.

Specifically, Caird does not teach extending a cable over a sewn garment seam that joins two garment areas, such as a body and a hood. Caird merely teaches electrodes stitched to fabric panels and a strip of fabric(s), and stitching the final construct into a jacket – there is no teaching of how the strips of fabric 44 and 45 actually join together with the panels 41a, 42a, and 43a. Caird does not disclose or suggest that the panels and fabric strips are joined by a sewn seam. Therefore, there is no disclosure or suggestion to extend a cable over a sewn garment seam. A fair reading of Caird may suggest that fabric strips 44 and 45 abut or overlap panels 41, 42, and 43. Also, Caird addresses 'stitches', or dotted line 10 to connect the electrode to the panel. One could therefore argue that Caird suggests the electrode stitches 10 themselves join fabric strips 44 and 45 with elements 41, 42, and 43, and that the electrode does not actually extend across a seam joining two textile panels.

Moreover, the strips of fabric having the electrode attached thereto are adapted to extend across the shoulders of a jacket when the elements are mounted in the jacket. Thus, Caird does not teach extending a cable over a sewn garment seams joining two garment areas selected from arms, hood and body. A fair reading of Caird may an electrode extending to two or more areas of the jacket would traverse a strip of fabric that was mounted into a garment. However, in order for all elements of Applicants' claims to be met, the construct would further require attachment of a seam sealing tape to cover the electrode and extend onto both the textile of which the garment parts are made and a portion of the sewn garment seam. This is not possible by this combination of references where in accordance with Rock modified by Caird, a barrier would adhere to the elements 41, 42, and 43, and fabric strips 44 and 45, and not to the garment parts and seams themselves. Where the combination of references does not disclose or suggest all elements of the instant claims, removal of the rejection is proper.

Rejections under 35 USC 103(a) – Over Rock with Graber in view of Caird and Parker

Claims 33-38 were rejected under 35 USC 103(a) as being unpatentable over Rock taken with Graver and in view of Caird as applied to claims above, and further in view of Parker US 5,658,164 ("Parker").

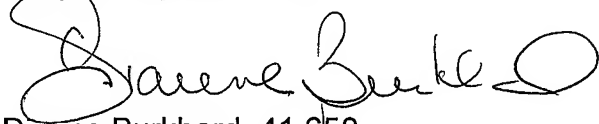
Applicants respectfully assert that the rejection is moot in view of the amendment to claim 33, where none of the references disclose a fabric body comprising a seam and the length of cable extending along the seam that is covered by a seam sealing tape, wherein a liquidproof seam is formed that comprises the textile, the seam, the cable, and the seam sealing tape. Applicants respectfully assert that 'liquidproof' is described in the specification, for example, at page 19. The amendments to the claims are supported, for example, by Examples 12 and 13, and pages 11 and 12 of the specification. Thus, removal of the rejection is requested.

Where the dependent claims comprise all of the limitations of the independent claims, which Applicants believe are allowable for the reasons set forth above, removal of the rejections to the dependent claims is respectfully requested also.

Conclusion

For the foregoing reasons, the present invention as defined by the claims is neither taught nor suggested by any of the references of record. Accordingly, Applicants respectfully submit that these claims are now in form for allowance. If further questions remain, Applicants request that the Examiner telephone Applicants' undersigned representative before issuing a further Office Action.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dianne Burkhard", with a large, stylized initial "D" and a flourish at the end.

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